

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GMBH,)
)
Plaintiffs,)
)
) C.A. No. 22-252 (MSG)
v.)
)
MODERNA, INC. and MODERNATX, INC.,)
)
Defendants.)

STIPULATION AND ORDER TO EXTEND TIME

WHEREAS, pursuant to the Stipulation and Order Regarding Scheduling Order Extension (D.I. 233), fact discovery closed on May 30, 2024;

WHEREAS, the following witnesses are scheduled to be deposed by Plaintiffs Arbutus Biopharma Corporation and Genevant Sciences GmbH (collectively, “Plaintiffs”) after the May 30, 2024 fact discovery cutoff:

- Örn Almarsson;
- Don Parsons;
- Huijuan Li;

WHEREAS, the following witnesses are scheduled to be deposed by Defendants Moderna, Inc. and ModernaTX, Inc. (collectively, “Moderna”) after the May 30, 2024 fact discovery cutoff:

- Peter Zorn;
- Kieu Lam;
- Edward Yaworski;

WHEREAS, the parties agreed to extend the May 30, 2024 deadline for Moderna to (1) respond to Plaintiffs’ First Set of Requests for Admission (Nos. 1 – 50); (2) respond to

Plaintiffs' Fifth Set of Interrogatories (Nos. 19 – 25); and (3) supplement any other responses and objections to Plaintiffs' previously-served discovery requests until June 7, 2024;

WHEREAS the parties agreed to extend the May 30, 2024 deadline for Plaintiffs to (1) respond to Moderna's Sixth Set of Interrogatories (Nos. 23 – 25); (2) respond to Moderna's Second Set of Requests for Admission (Nos. 9 – 44); and (3) supplement any other responses and objections to Moderna's previously discovery requests—with the exception of Moderna's Interrogatory No. 5—until June 7, 2024; and

WHEREAS the parties agreed that Plaintiffs shall supplement their responses to Moderna's Interrogatory No. 5 by or on June 4, 2024;

WHEREAS the parties agreed that Moderna shall complete production of documents relating to Plaintiffs' § 271(f) claim by June 7, 2024;

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the parties thereto, through their respective counsel, and subject to the approval of the Court, that the parties have agreed to take the above list of depositions after the close of the fact discovery period on May 30, 2024, but in no event after June 12, 2024.

IT IS FURTHER STIPULATED, that the above responses and objections and document production shall be extended as described above, and no other extension shall be granted without approval of the Court. No further out-of-time fact discovery is being requested in connection with this Stipulation, and no other deadlines are affected by this Stipulation.

Pursuant to D. Del. Local Rule 16.4, counsel certifies that copies of this stipulation have been sent to their respective clients.

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May 31, 2024

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SO ORDERED this 6th day of June 2024.

/s/ Mitchell S. Goldberg

UNITED STATES DISTRICT JUDGE